

EXHIBIT 4

Page 1

1 | **C O N F I D E N T I A L**

2 | UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 _____ -x

5 THE AUTHORS GUILD, et al.,

6

Plaintiffs,

8 - against- Master File No.

05 CV 8136-DC

10

11 GOOGLE, INC.,

12 Defendant.

13

15 | Page June 8, 2012

16 | 9:30 a.m.

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25

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1 J.A. Chevalier - C O N F I D E N T I A L
2 digital copies is not germane to your report?

3 A. Whether or not the libraries have
4 made a digital copy and what it is that the
5 library will do with them, is not, is outside
6 the scope of my assignment.

7 It may be important to the case, but
8 it is not important to my report.

9 Q. Do you know with respect to the
10 Google Library Project, not the Partner Program
11 portion, how many of the books that Google scans
12 and includes in the search tool, as you describe
13 it, were commercially available books, as
14 opposed to not commercially available books?

15 A. I don't know that.

16 Q. If I told you that 90 percent of the
17 books were not commercially available, would
18 that affect your opinions in any way?

19 A. That would not affect my opinions.

20 Q. If I told you that they were 10
21 percent, would that affect your opinion?

22 A. No.

23 Q. Referring you to paragraph 10 on page
24 3 of your report, about a little, you know, over
25 halfway down, there is a sentence that begins,